



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF DEVELOPMENT SERVICES

MISSION STATEMENT: *Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.*

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Author's Phone: 519 736-5408 ext. 2134	Date to Council: December 5, 2022
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To: Mayor and Members of Town Council

Subject: Statutory Public Meeting to Consider a Zoning By-law Amendment for 433 Sandwich Street South

1. **RECOMMENDATION:**

It is recommended that:

1. Comments from the public, municipal departments, agencies and Council with respect to the proposed Zoning By-law Amendment for lands municipally known as 433 Sandwich Street South (File ZBA-24-22) **BE RECEIVED and SUMMARIZED** in a future report to Council.

2. **BACKGROUND:**

The Town is in receipt of an application for a Zoning By-law Amendment to By-Law 1999-52 from Lumed Management Inc. The subject lands are located on the east side of Sandwich Street South between Pickering Drive and McCurdy Drive and is municipally known as 433 Sandwich Street South (refer to Figure 1).

The purpose of the application is to amend the CH-14 site-specific zone to reduce the front yard setback and reduce the number of required parking spaces. The site currently contains a commercial building being used as medical offices, retail/pharmacy and a healthcare business. The applicant is proposing a three-storey addition to the front of the existing building to expand the medical centre uses. A site picture is attached as Figure 2.

In preparing this information report for Council, planning staff have reviewed the following documents/submissions in order to provide comments to Council regarding the proposed development:

1. Town of Amherstburg Official Plan
2. Town of Amherstburg Zoning By-law
3. Relevant legislation – Planning Act
4. Comments Received as of November 23rd (Appendix “C”)

(Note: an administrative discussion and analysis of the documentation provided by the applicant will be provided as part of the subsequent report to Council.)

3. **DISCUSSION:**

The Official Plan designates the lands as General Commercial. The applicable excerpts from the Official Plan are as follows:

Commercial Land use Designations

The Commercial classification of land shall mean that the predominant use of land in the area so designated shall be in accordance with the uses as defined in these sub-classifications: Neighbourhood Commercial and General Commercial. The General Commercial designation also has special added policies for select areas to guide automobile oriented development to appropriate locations on Sandwich Street and Simcoe Street, to permit added enhancements in gate way locations and to provide incentives for the core area. In addition, such non-commercial use as are complementary to and serve the respective Commercial uses shall also be permitted where defined as such under the commercial sub-classification definitions. In addition, there are commercial areas identified as Special Policy Areas.

General Commercial

The uses permitted in the General Commercial designation shall include those commercial establishments offering goods and services which primarily serve the whole of the municipality's market area and shall include such uses as retail commercial establishments, places of entertainment, assembly halls, eating establishments, hotels, motels, community facilities, public uses, recreational uses, convenience stores whether in the form of individual stores or in a shopping centre form of construction and/or ownership, and residential uses above the first floor.

Multi-family residential development will be considered as an alternative form of land use on lands designated General Commercial. Unless otherwise specified, the height of multi-family residential development within the General Commercial designation shall be limited to 5 storeys and unless a site specific zoning by-law states otherwise, residential units will not occupy the first floor abutting Richmond Street or Dalhousie Street.

Commercial Special Policy Areas

In order to ensure an aesthetically pleasing approach to the historic portion of Amherstburg and to protect the historic character, and as this area represents the Gateway to Amherstburg and a portion of this area is within the Town's Downtown Tourist District, additional policies will apply to commercial development established along Sandwich Street between Texas Road and Fort Street and for the area along Sandwich Street South to Lowes Side Road.

This policy will allow for, within this area, additional landscaping requirements at the time of site plan approval and special attention will be given to lighting, fencing, and location of garbage disposal. This policy will also allow Council to establish both minimum and maximum height regulations and setback regulations in the Zoning By-law. Council will seek the advice of Amherstburg's Heritage Committee when dealing with development in this area on such matters as roof line, height, building material, and window placement in order to maintain the historic small town appearance. Site Plans associated with any Zoning By-law amendments to a General Commercial Zone shall be subject to public consultation.

Within this area, Council may establish a setback that requires that at least 25% of the building fronting on to Sandwich Street be set back no less than 6 metres minimum and no more than 15 metres maximum. Council may also establish a minimum elevation at the 6 metre setback from front lot line of 6 metres and a maximum elevation of up to 15 metres. Council may also require an enhanced landscaping plan as part of the site plan approval that requires that deciduous trees be planted in the boulevard having 2.0 metres clear stem and head room for pedestrians and cyclists. In addition Council may require a minimum buffer or landscape strip of 3.0 metres established along Sandwich Street and that 20% of the landscaping be woody plant material that is capable of providing interest in all seasons. Fencing or dense hedge material shall be required to obscure the parking area if front yard parking is proposed.

Chain link fences or wood construction fencing shall not be permitted unless they are fully screened from public view.

Council approval of a Zoning By-law amendment would be required prior to the redevelopment proceeding as proposed. The Commercial land use policies state that the "the General Commercial designation also has special added policies for select areas to guide automobile oriented development to appropriate locations on Sandwich Street and Simcoe Street, to permit added enhancements in gate way locations and to provide incentives for the core area."

It is the opinion of planning staff that the language is set out in the Special Policy Area as additional policies and should not be viewed as designations separate and distinct from the General Commercial policies. The Special Policy Area describes what restrictions "may" be included in the zoning by-law and set out other restrictions with respect to commercial development. Since the intent of the Plan was to include the Special Policy

areas for the purpose of adding additional policy direction for the development of those particular areas.

Planning staff will be reviewing all of the comments received from this statutory public meeting and will be assessing all information provided by the Applicant and all internal and external departmental and agency comments, and will be preparing a subsequent staff report that discusses how the above items are being addressed.

The Town's Zoning By-law currently zones the subject lands Special Provision Commercial Highway (CH-14). Within this zone category, a broad range of commercial land uses are permitted.

The Applicant is requesting that the current zoning regulations that apply to these lands be amended to allow for a 0.9 m front yard setback for a proposed three storey addition to the front of the existing building. The applicant is also request that a reduction in 5 parking spaces from the required 112 to a total of 107 required parking spaces be permitted to implement the final approved site plan.

As part of the regulations of the Planning Act, the application has been circulated to the area residents and various agencies. All comments received to date are attached as Appendix "C".

4. RISK ANALYSIS:

The recommendation presents little to no risk to the municipality.

5. FINANCIAL MATTERS:

All costs associated with the application are the responsibility of the applicant. Should the decision be appealed to the Ontario Land Tribunal then the Town will incur costs.

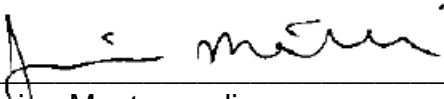
6. CONSULTATIONS:

The Notice of Public Meeting was published in the local newspaper and on the Town website and circulated to the required agencies, property owners and municipal departments in accordance with the requirements of the Planning Act, R.S.O. 1990, c.P. 13 and associated regulations.

7. CONCLUSION:

Following the statutory public meeting, planning staff will be preparing a subsequent report for Council that will include a comprehensive analysis of all of the comments and

recommendations received, and will provide a professional planning opinion and a staff recommendation with respect to the requested zoning by-law amendment.



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Planner

JM

DEPARTMENTS/OTHERS CONSULTED:

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Name: Windsor Essex Catholic District School Board
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Name: Greater Essex County District School Board
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Report Approval Details

Document Title:	Statutory Public Meeting to Consider a Zoning By-law Amendment for 433 Sandwich St S.docx
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Final Approval Date:	Nov 25, 2022

This report and all of its attachments were approved and signed as outlined below:



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